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SEPARATE REPORT

OF

MR. BLAKE'S SPEECH

ON THE

REBELLION LOSSES.

MONTREAL:
HIGMAN & DONOGHUE, PLACE D'ARMES.
1849.

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PREFACE.

The course pursued by a portion of the Opposition, the so-called Conservative Party, during the present Session, is without parallel in the history of this Province. Every reflecting man had long perceived that the successful conduct of the Government of the country depended upon the softening and gradual obliteration of those feelings of hostility between the British and French-Canadian portions of the population which misrule and oppression had engendered. The Conservatives themselves, when in power, had perceived the necessity of this policy, although possessed of as large an Upper Canada majority as any future Government can hope to command; and, in attempting its accomplishment, they had originated two measures well calculated to produce the happiest results,—namely, the removal of the invidious restriction upon the use of the French language, and the payment of the losses incurred in Lower Canada during the Rebellion. The first of these measures had been carried into effect by the present Administration; and His Excellency, upon the opening of Parliament, was graciously pleased to read the Address from the Throne as well in French as in English. But the adoption of this first step in carrying out the policy of the late Government, was the signal for a series of attacks upon Ministers, which, in manner and matter, evinced the determination of some gentlemen to overthrow the Government at whatever hazard.

With reference to the Rebellion Losses, every body in the least conversant with the events of those times, is well aware that, in a great number of instances, severe losses were sustained by individuals who had never taken up arms against the Government. These losses, in great part, were attributed by the Liberal party to an unbridled appetite for pillage and a spirit of revenge, disgraceful to a civilized country; whilst they were justified by those who abetted them, as no more than acts of retaliation, warrantable under existing circumstances. Time, however, had enabled men of both parties to judge more dispassionately; and the united, settled opinion seemed to be, that injuries inflicted during the heat and violence inseparable perhaps from civil discord, ought to be remedied by the State, and not allowed to ruin those whom misfortune and accident had exposed to such grievous calamities. The late House of Assembly felt this, and passed a Resolution authorising compensation; and the late Administration, in compliance with that Resolution, issued a Commission and obtained a Report, at a cost of nearly £1000, with a view to the final settlement of the question. The present Government, at the commencement of the Session, introduced Resolutions in exact accordance with the vote of the late Parliament,

and strictly based upon the measures of the late Administration. They had a right to expect the cordial support of the Opposition to a measure, not only just in itself, but based strictly upon the proceedings adopted by that same Opposition, when in power. But the introduction of the measure has been made the occasion of one of the most shameless exhibitions of political treachery ever exhibited in any country. Not only was this measure violently opposed by some members of the late Government, but in the conduct of that Opposition there was displayed a recklessness of consequences never before witnessed. No sacrifice was too great, provided these gentlemen could regain their lost power. Old wounds were torn open afresh, old antipathies called again into active operation, every consideration which ought to weigh with public men was thrown to the winds, in the hope of involving the country once more in civil discord, and thus recalling, at the point of the bayonet, those whom the country had just driven from office with ignominious disgrace. In the conduct of this campaign, certain leading gentlemen permitted themselves in the use of language towards the Representative of their Sovereign, to say the least of it, little becoming; whilst their vituperation of Ministers knew no bounds.

In repelling these attacks, Mr. Blake had no personal concern. The unfortunate events of 1837 and 1838 had passed before he took any active part in political life. But he felt indignant that some persons to whom a great majority of the people of the Province have always attributed its misfortunes, should dare to refer to that period as one in which they could justly claim the thanks of their country. And the separate report of his speech has been published by the friends of the present Administration, to enable the country to decide, upon a calm review of past events, on the comparative claim of these parties to public confidence and support.

MR. BLAKE'S SPEECH.

LEGISLATIVE ASSEMBLY, 15*th February*, 1849.

Mr. BLAKE—I rise, Sir, under the influence of the most painful feelings, to offer a few observations on the present motion. I have witnessed the course pursued by honorable gentlemen opposite with bitter disappointment and regret. The time is not far distant, I well recollect it, when those with whom I have the honor to act, were met on all occasions and in every place with the taunt that they were men of mere theory; that my honorable friend from North York was a man of one idea, and that one idea was Responsible Government, whilst to honorable gentlemen on the other side was confined all the talent for the practical administration of the affairs of the country. Who can forget the pompous manner in which those gentlemen when in office proclaimed themselves to the country as the true supporters of Constitutional Government, then established, as they vouchsafed to inform us; and who can forget the vehemence with which honorable gentlemen around me were denounced as agitating the country for mere party and personal purposes?—measures, and not men, was then the watchword. I confess, Sir, that having in view these oft repeated declarations of the gentlemen opposite; when I saw Her Majesty's Ministers in this Province meet the House without a single allusion in the Speech from the Throne respecting the *theory* of our Government—without one word uttered from this side the House respecting the principles of our constitution—a topic so fatal to the character of a statesman, in the opinion of the honorable members opposite; when I saw my honorable friends come down to the House with numerous measures all tending to the practical well being of this country, I did hope that honorable members would have pursued a different course—I did hope, Sir, that in discussing the resolutions introduced by my honorable friend at the head of the Administration, resolutions founded upon proceedings taken by honorable gentlemen opposite but two short years since—resolutions following the precedent afforded by these gentlemen *to the very letter;* I did hope, that we should have heard something like a statesman-like view of the position of the country, and the position of those honorable gentlemen themselves. If to-day it is to be considered unsafe to pursue the course marked out by honorable gentlemen opposite yesterday, I did hope, that we should have heard a frank avowal of the causes of this change, and a statesman-like view of that condition of the country which has, no doubt, originated and which justifies so entire and so singular an alteration in the views of honorable members opposite. But, what has been the course pursued by those honorable members in the discussion of this motion, as upon almost all other occasions since the meeting of the House? Has their course been a fair, manly discussion of the measures of Government upon their merits? Are they not in their factious opposition to the Government jeopardizing the well being, the very existence of their country? They have recklessly seized the torch of discord which we had hoped had long since been extinguished, and lighted it anew through the length and

breadth of our country, regardless though this wanton procedure should involve in anarchy and ruin the whole frame and structure of our social system. They, *par excellence*, the loyal subjects of our Queen—regardless of the best interests of the human race, dare to take this torch of discord, and cast it flaming amongst the inhabitants of the country. (Loud cheers.) I did feel disposed, Sir, when I entered the door this morning and heard some conversation passing between honorable members on the other side of the House respecting the proposition of my honorable friends, I did feel disposed to advise them to move an amendment, and propose the erection of a gibbet before every French Canadian's door, and offer up an holocaust of 700,000 men to appease the *British* feelings of Canada.

In considering whether I, as one of the representatives of the people of this Province, can concur in the resolution of my honourable friend at the head of the administration, for the payment of the just losses incurred during the unhappy troubles of 1837 and 1838, I have felt it important to look at the practical working of the Government of these Provinces prior to those unhappy troubles. I have felt it important to consider the circumstances in which the people of these Provinces found themselves placed in regard to that Government, prior to and during those troubles; and, it seems to me of some importance also to review the occurrences of that unhappy period. I am not ignorant of the dangerous ground over which I propose to tread; I know what risk I run in addressing those who put words and sentiments in the mouths of gentlemen at this side the House which no promptitude or clearness of correction can induce them to acknowledge, when it suits their own purpose. I know not what my honourable friends who are of the Cabinet may think on this subject. I speak my individual sentiments. I speak with no other authority than that which may belong to the weight of argument which I shall ask permission to submit to the House. But, sitting here, and filling the situation which I have the honour to hold, I would scorn to speak any other language than that which I should use were I seated on the benches opposite.

In considering, then, the Government of these Provinces at and prior to 1836, I shall not consult newspaper history. I shall state nothing to the House upon my own information on this subject: though that, too, is tolerably accurate and extensive. I shall confine myself to the history of the Provinces, as it is to be found in the State Papers and Records now lying before me, published by the British House of Commons. I shall rely not merely upon the statements of those men who may be regarded as the exponents of liberal principles in England, but I shall refer to the declared opinion of the distinguished advocates of Conservative doctrines—authority from which honourable gentlemen opposite can hardly dissent. Upon the authority, Sir, of no less a statesman than Lord Aberdeen, I aver that, in 1835, although much had been then done, this Province of Lower Canada had grievances to complain of "neither few nor inconsiderable";—that the composition of the Executive and Legislative Council called for immediate and extensive alteration, rendering, as they did, the representative system little better than a mockery;—that the course of conduct which the Representatives of our Gracious Sovereign had felt at liberty sometimes to adopt towards the House of Assembly of that Province, was such as did not meet the approval of Her Majesty's Ministers in England;—that the administration of justice, that first great want of every civilized country, had become justly suspected by the people;—and that in part as the cause, and in part the consequence of this state of things, all the

offices and emoluments, the entire power and patronage of the Crown, was enjoyed by persons of British birth, to the utter exclusion of our fellow-subjects of French origin. But, whilst I rely with great confidence on the opinion of Lord Aberdeen, expressed in his deliberate instructions to Lord Amherst, I frankly confess to the House that I had purposed to refer more extensively to the views of Lord Durham, as recorded in his very able Report upon the condition of these Provinces. I had purposed to trouble the House with a more extensive statemeut of those opinions and views of Lord Durham, because I considered them as eminently entitled to the respect and confidence of this House, not only as emanating from a great statesman, who had carefully considered the whole subject, but further as proceeding from one who, from personal enquiry and investigation in these Provinces, must be supposed to have had the most ample means of forming a sound judgment. I am here, however, met *in limine* with the argument of the gallant Knight, the Member for Hamilton,—"*that nothing proceeding from that quarter can be entitled to much "respect—that Lord Durham had not in fact read three lines of his Report at the "period of his publication, and that had a common soldier acted as Lord "Durham had done he would have been shot.*" What, Sir, when the honorable and gallant Knight makes such observations as those, does he forget, that it was not in Canada Lord Durham learned his statesmanship? Does he forget that the first effort of this illustrious nobleman on his entrance into public life was an indigant protest against the transfer of Norway to Sweden? Does he forget that Lord Durham stood foremost in his support of that great measure of Electoral Reform, the imperishable monument of the patriotism of Lord Grey? Is the honorable and learned and gallant Knight ignorant that when an effort was made to alleviate the sufferings of unhappy Poland, the lamented Lord Durham was selected by His Sovereign as the most fitting instrument in this holy cause? Has the Member for Hamilton ever read the debates which prceded his appointment as High Commissioner in this country? Has he marked the unanimity of opinion amongst men of all parties by whom he was selected to serve his country in that critical and most difficult period of our history? Why, Sir, Lord Durham left this country on the 1st of November, 1838, he arrived at Portsmouth on the 26th of the same month. Parliament only assembled on the 6th of February in the following year, and upon that day, before the Speech from the Throne had been answered, Lord Durham, having had his Report already printed by the permission of Her Majesty's Ministers, stood up in his place in the House of Lords and asked the First Lord of the Treasury why his Report upon Canada had not been even then placed on the table of their Lordships' House? And we are told that a statesman of such eminence in discharging a duty so important, published this Report, *under such circumstances, without even a perusal!!* Here, Sir, however the critical acumen of the learned Knight comes to his assistance, and he informs us without the least hesitation, that one-half of the Report is the work of a Mr. Wakefield, (whose private character the gallant Knight has described with his own peculiar delicacy of language,) and the other half of the late lamented Mr. Buller, the principal Secretary of Lord Durham. That the learned member has had ample means of becoming familiar with the character and style of the former gentleman I do not at all doubt. If the opinion of persons who had much to do in the events of those times be worthy of any reliance, the gallant Knight from Hamilton and his friends have no inconsiderable debt of gratitude to pay to that gentleman for services in a period of our history not yet quite forgotten. It would, however, have

been only candid in the honorable member to avow frankly that he makes the assertion which he has adventured, upon the authority of Sir Francis Head, and surely, this House will not forget that information coming from such a source is somewhat questionable. But though the authenticity of that Report did admit of any doubt, all candid enquirers will, I think, confess that no such doubt can exist respecting the Despatch of August, 1838—a Despatch strictly confidential, written at a time when no difficulty had occurred between the High Commissioner and Her Majesty's Ministers—a Despatch communicating in a manner the most unreserved, the information which Lord Durham had obtained from personal observation, and the conclusions at which he had arrived from such information. And, as candor must admit that the opinions expressed in that Despatch were the opinions of Lord Durham, so I think this House will believe the Report to which I alluded to contain His Lordship's deliberate judgment, so far at least as that coincides with the opinion to be found in the confidential Despatch of which I am speaking. To this test I am willing to submit. Everything upon which I rely in that Report, will be found amply confirmed all through the official correspondence of Lord Durham, in a way the most convincing to any one who will prefer clear, internal evidence to mere interested statement—sound argument to idle assertion.

In the opening part of the Confidential Despatch, Lord Durham observes :—

"My Lord,—The information which my residence here has enabled me to obtain as to the condition of the two Canadas, is of such a nature as to make me doubt whether, if I had been fully aware of the real state of affairs in this part of the world, any considerations would have induced me to undertake so very difficult a task as is involved in my mission. I do not, however, wish it to be understood that I consider success impossible. On the contrary, I indulge in a hope that if the difficulties and dangers that are now so apparent to me are appreciated by Her Majesty's Government, so as to lead to the adoption of measures sufficiently comprehensive and decided to meet the emergency, the objects of my mission may be accomplished.

"My sole purpose, therefore, in adverting to circumstances which threaten a difficult result, is to impress upon your Lordship my own conviction which has been formed by personal experience, that even the best informed persons in England can hardly conceive the disorder or disorganisation which to the careful enquirer on the spot is manifest in all things pertaining to Government in these Colonies. Such words scarcely express the whole truth, not Government merely, but society itself seems to be almost dissolved ; the vessel of the State is not in great danger only, as I had been previously led to suppose, but looks like a complete wreck. It is needless to point out the wide difference between this representation and the opinions on the subject which were and probably still are held by Her Majesty's Ministers ; but since one who had the benefit of whatever information they possessed is nevertheless compelled to acknowledge that the truth as it now appears to him, differs so much from his previous conceptions of it, what can he infer, but that distance has precluded them from acquiring an accurate knowledge of the whole subject ? This is my belief, and it becomes, therefore, an imperative duty on my part to convey to your Lordship the exact impressions which I have derived from personal enquiry and observation. I will not shrink from the performance of that duty."

And after the discussion of matters with which I do not desire to trouble the House, the noble Lord continues:—

"That this should be the case is really not surprising, when one discovers how all the powers of Government have been neglected and abused for many years past in this Colony. Not to go father back than the commencement of the serious differences between the Canadians and the British as such ; since when, the two branches of the Legislature have neglected their proper functions to pursue the contest between races. A long time has passed without any thing like beneficial legislative laws ; not a few of the many evils resulting from this perversion of legislative powers have, by a very natural mistake, been attributed to neglect and corruption in the Executive. At the same time, it must be confessed, that the Executive has been both neglected and corrupt. I need not remind your Lordship of those flagrant instances in which the Imperial Government has been led to interfere for the correction of administrative abuses ; nor is this a fit occasion for entering on that subject in detail, but I am bound to

add, that the Government of this Province, including the administration of Justice, has not obtained the respect of the people, and that according to all my information, there has been ample ground for the distrust and suspicion with which authority is regarded."

Now, Sir, there is no language in the whole compass of that Report stronger than what I have just cited to the House, and there is nothing more which I require to sustain the argument which I mean to press upon the attention of honorable gentlemen of all parties. I only refer to the Report itself, therefore, as amplifying that which I have already quoted, the deliberate judgment of Lord Durham, upon more extended information. At page 29 of this Report, published by authority of the British House of Commons, we find the following passage:—

"The powers for which the Assembly contended appear in both instances to be such as it was perfectly justified in demanding. It is difficult to conceive what could have been their theory of Government who imagined that in any Colony of England a body invested with the name and character of a Representative Assembly could be deprived of any of those powers which, in the opinion of Englishmen, are inherent in a popular legislature. It was a vain delusion to imagine that by mere limitations in the Constitutional Act, or an exclusive system of Government, a body, strong in the consciousness of wielding the public opinion of the majority, could regard certain portions of the Provincial revenues as sacred from its control, could confine itself to the mere business of making laws, and look on as a passive or indifferent spectator, while those laws were carried into effect or evaded, and the whole business of the country was conducted by men in whose intentions or capacity it had not the slightest confidence. Yet such was the limitation placed on the authority of the Assembly of Lower Canada; it might refuse or pass laws, vote or withhold supplies, but it could exercise no influence in the nomination of a single servant of the crown. The Executive Council, the law officers, and whatever heads of departments are known to the administrative system of the Province, were placed in power, without any regard to the wishes of the people or their representatives; nor indeed are there wanting instances in which a mere hostility to the majority of the Assembly elevated the most incompetent persons to posts of honor and trust. However decidedly the Assembly might condemn the policy of the Government, the persons who had advised that policy retained their offices and their power of giving bad advice. If a law was passed after repeated conflicts, it had to be carried into effect by those who had most strenuously opposed it. The wisdom of adopting the new principle of Representative Government and facilitating the management of public affairs by entrusting it to the persons who have the confidence of the representative body, has never been recognised in the Government of the North American Colonies. All the officers of the Government were independent of the Assembly; and that body, which had nothing to say to their appointment, was left to go on as it best might with a set of public functionaries whose paramount feeling may not unfairly be said to have been one of hostility to itself."

Again at page 30:—

"It is difficult to understand how any English Statesman could have imagined that representative irresponsible government could be successfully combined."

And a little further on:—

"To suppose that such a system would work well there implies a belief that the French-Canadians have enjoyed representative institutions for half a century without acquiring any of the characteristics of a free people: that Englishmen renounced every political opinion and feeling when they enter a colony, or that the spirit of Anglo-Saxon freedom is utterly changed and weakened among those who are transplanted across the Atlantic. It appears, therefore, that the opposition of the Assembly to the Government was the unvoidable result of a system which stinted the popular branch of the Legislature of the necessary privileges of a representative body, and produced thereby a long series of attempts on the part of that body to acquire control over the administration of the Province."

I am loth, Sir, to trespass on the patience of the House with any further reference to this document, but as the subject is one of vast importance in the decision of the question now under the consideration of the House, I shall ask permission to read another passage, and it shall be the last.

"I do not think that I necessarily cast any stigma on my predecessors in Lower Canada or in the uniform good intentions which the Imperial Government has clearly evinced towards

every class and every race in the colony, when I assert that a country which has been agitated by these social and political dissensions has suffered under great mis-government, the blame rests not on individuals, but on the vicious system which has generated the manifold and deep rooted abuses that pervade every department of the public service, and constitute the real greviances of the colony.

"These greviances are common to the whole people of Lower Canada, and it is not one race or one party only that suffers by their existence; they have hindered the prosperity and endangered the security of all; though unquestionably the interests which have most materially been retarded by mis-government are the English. From the highest to the lowest officers of the Executive Government no important department is so organised as to act vigorously and completely throughout the province; and every duty which a government owes to its subjects is imperfectly discharged."

And now, Sir, I put it to the candor of honorable gentlemen on both sides of the House, whether I have not established upon the most undoubted evidence, that great disorders had existed in the Government of these Provinces prior to 1837 and '38. Have I not shewn that the right to control the public purse, the very key stone of English liberty, was but imperfectly conceded? Have I not shewn that the administration of Justice in Lower Canada at least, was, gravely suspected? Have I not shewn that the composition of the Legislative and Executive Council was such as to render our representative institutions almost a mockery? What vestige had we of that distinguishing feature of the British constitution, ministerial responsibility—that feature, I say, by which the monarchical and democratic principles have been so happily reconciled, contributing each in its place harmoniously and effectively to the public welfare? I ask honorable gentlemen opposite whether such a state of things could have continued in England for one moment? I ask them whether it ought to have continued here? But, whilst disorder of so grave a character existed in the government of this Province, whilst the very principles of our constitution, as then contended for, were such as could not fail to produce collision and disorder fatal to the stability, to the very existence of our institutions, *what one act have honorable gentlemen opposite ever done to remedy these pressing evils? When did they sacrifice place or power to reconcile the prerogative of the Crown with the liberties of the people?* And yet, whilst trampling upon the people's rights, whilst neglecting the gravest duties of public men, honorable gentlemen opposite are continually referring to this unhappy period of our history, as though their preceding public conduct had rendered them worthy of all praise. Honorable gentlemen on this side the House are taunted in a manner so insulting, and in language little parliamentary, as though their long and anxious struggles after British Liberty, had rendered them justly obnoxious to every reproach. I shall, however, take leave to tell honorable gentlemen opposite, that true loyalty which they so much affect, guards the liberty of the subject, with a care at least equal to that with which it protects the prerogative of the Crown. *That loyalty*, which is ever ready to extend and strengthen the prerogative of the Crown by stinting and limiting the liberties of the people, is not loyalty; it is slavery—it can not result in strengthening the connection of this country with England, but must tend to weaken the allegiance of the people of this Province by depriving them of their rights as British subjects, which, as a free people they so ardently love. If honorable gentlemen opposite, would look a little into the page of history, they would find that loyalty of the peculiar stamp which I have described, has earned for its advocates fame indeed, but fame of a very different character from that which honorable gentlemen opposite, on all occasions so pompously affect. When Philip of Spain, conceived that his distant Provinces could not be governed without *a strong exercise of the Royal Prerogative*, he selected as Governor an eminently *Loyal subject*, the

infamous Duke of Alva, and truly in his administration of the affairs of those valuable Provinces, he lost nothing of his well earned reputation *for loyalty to his master's every wish.* Surely honorable gentlemen opposite must feel that if loyalty consists in maintaining the unlimited power of the Crown at the expense of all the rights of the people, they must modestly retire from comparison with this *most loyal* Duke. History has informed us that the first act of his administration was to proclaim the high-minded and patriotic William the first Prince of Orange, (a name often invoked by honorable gentlement opposite, for purposes of the most questionable character,) his first act, I say, was to proclaim William of Orange an *outlaw and a rebel!* and in the fierce contest which was waged between the prerogative of the Crown and the liberties of the people, this same Duke brought to the scaffold within the short space of five years not less than 18,000 of his fellow subjects!!! But, Sir, history also records for our instruction, that whilst the "*rebel*" *William* founded a happy and prosperous republic which has filled and continues to fill no inconsiderable space in the annals of Europe, and whilst he still lives in the hearts and affections of his fellow-countrymen, that detested tyrant, the Duke of Alva, descended to the grave loaded with the execrations of the people whom he had oppressed. And now, Sir, let us look to another example derived from our own history. Look to the reign of James II, when that struggle between the prerogative of the Crown and the liberty of the subject which had now continued through several successive reigns, was about to be closed; at that period when the perfidious James had prepared to trample under foot the liberties of the people of England ; did he want *loyal subjects* to carry out his most *disloyal designs?* Why, if loyalty be the maintenance of the royal will, regardless of public freedom, who more loyal than the infamous Jeffreys ? On that fearful bloody circuit which followed the Monmouth rebellion, his whole progress was marked by the mangled and gibbetted remains of hundreds who had fallen victims to this judicial massacre ; and upon his return to his Royal master, he could boast that he had brought to the scaffold more victims than all those who had preceded him from the date of the Conquest. Ay, Sir, lest honorable gentlemen should think that this species of loyalty is left without its reward, let them read here, in his "Patent of Nobility, the acknowledgment of his Royal master for these Loyal Services."

WINDSOR, September 8.

"His Majesty taking into his royal consideration the many eminent and faithful services which the Right Honble. George Lord Jeffreys, of Wem, Lord Chief Justice of England, has rendered the Crown, as well in the reign of the late King, of ever blessed memory, as since His Majesty's accession to the throne, was pleased this day to commit to him the custody of the Great Seal of England with the title of Lord Chancellor."

Amongst the victims of those times, the mild and chivalrous Russell, the firm and patriotic Sidney, fell a sacrifice to *their loyalty to the Constitution.* History here, however, also records for our encouragement, that while the succeeding House of Commons, the House of Commons of that glorious epoch of 1688, expelled from amongst them the apostate Attorney General who had conducted the prosecution of the unfortunate Sidney, and reversed his attainder; the infamous Jeffreys was with difficulty rescued from the hands of those whom he had offended, and only escaped the most ignominious end by an untimely death. The patriotic Sidney lives in the hearts of the people of England, whilst, even to this hour, the peasant of Somerset recollects the *unjust Judge* with execration and horror. All history teems with examples of this pliant quality falsely called Loyalty by the honorable gentlemen opposite, this spurious Canadian Loyalty. I shall confine myself, however, to one instance,—[here a

messenger from the Legislative Council interrupted the proceedings for a few minutes.] The honorable Member proceeded: I know, Sir, that in speaking of the offensive position of exclusive loyalty, which honorable gentlemen opposite always think it proper to assume—I know that I have expressed myself with warmth; but I am not ashamed of that warmth. I am not come here to learn lessons of loyalty from honorable gentlemen opposite. It was born with me. I believe at this moment, that no possible amount of *individual* wrong could induce me to pursue the factious course adopted by honorable gentlemen opposite, with all their loyalty. Loyalty to my Queen is the strongest and dearest feeling of my heart, and I trust my arm shall never be wanting when its aid may be required. But I confess, Sir, that I have no sympathy with the would-be loyalty of honorable gentlemen opposite, which, whilst it affects at all times peculiar zeal for the prerogative of the Crown, is ever ready to sacrifice the liberty of the subject. That is not British loyalty, it is spurious Canadian loyalty, which has always, in all periods of the world's history, lashed humanity into rebellion. With such loyalty I have no sympathy. A moment since, Sir, when interrupted, I was about to present one scene from ancient history, illustrative of the distinction which I have been pressing upon the attention of the House, a scene so awful in its circumstances, and handed down to us upon authority so undoubted, that I cannot refrain from recalling it to the recollection of the House. When the people of a distant Roman Province contemplated the perpetration of the foulest crime that the page of history has recorded—a crime so foul, that nature, as it were, hid her face in horror of the dreadful deed,—how was this fearful act accomplished? The apostate disciple, the perjured witness, all that malignity could devise or wealth procure, had failed to fix one spot of guilt upon the great founder of our Holy Religion. "I find no fault in him," was the deliberate sentence of the heathen judge. When all other arts had failed, this fated people, in the very act of perpetrating the darkest treason—a treason, before which all other treasons, if combined in one great crime, would, as it were, fade into virtue itself; this fated people, by the assumption of the same mawkish loyalty—ay, Sir, mark its every feature, —"if thou let this man go thou art not Cæsar's friend," wrung from the reluctant Roman Governor, that sentence, whose mysterious consequences reach through time into eternity,—extorted the unwilling sanction of that awful deed, whose dark and enduring stain eighteen centuries of national humiliation and national suffering have not been able to efface. Believe me, Sir, this sort of loyalty is not of British growth. True British loyalty owns allegiance alike to the Crown and the constitution. British loyalty on the field of Runnemede wrung from a tyrant king the great charter of England's liberty. Ay, Sir, the Barons of England with arms in their hands, laid for us that foundation stone of our constitution. The loyalty of the British Commons during three centuries demanded and obtained the recognition of this great Charter in thirty different Acts of Parliament, amid such difficulties, dangers and opposition, as we have been happily spared. And at the great æra of our Revolution, when the same loyal Jeffries, in his zeal for the maintenance of unlimited prerogative, would have betrayed the liberties of the people of England, then it was that British loyalty regarding with veneration their Sovereign's rights; but at the same time, jealous of their own sacred liberties, obtained that explicit recognition of their constitution—"The Bill of Rights," that glorious, imperishable constitution, which has rendered our present State mistress of the world, and now preserves her, thanks be to Heaven! solid and entire amid the crash of the mightiest monarchies of Europe.

But whatever may be the facts of this claim to exclusive, unapproachable loyalty set up by honorable gentlemen opposite, the gallant Knight, it seems, has yet another title to adopt the tone and language which he assumes in this House. The gallant Knight, it seems, has done great military service, and my honorable friend near me, the member for the South Riding of York, has coupled the name of the gallant knight with that of the illustrious Wellington. When I heard my learned friend allude to this remarkable historical parallel, I was certainly struck by its peculiar fitness ; but it did occur to me that my honourable friend might have selected one still more striking. A great English knight, a brave, and loyal knight too, I mean the renowned Sir John Falstaff. Honourable gentlemen laugh,—When did any man ever know this gallant knight disloyal to his Prince, or to his sack ? And as to valour—who is there whose spirit has not been moved by his daring feats of arms ? Ay, Sir, 100 men in buckram encountered, defeated, robbed, by the single arm of one gallant knight, nerved by the *loyal* love of his prince. Now, Sir, I well recollect a little book of those times, called, as I think, "New Readings of Old Authors," or some such name. It was generally considered, I believe, to contain tolerably accurate portraits of some eminent men of that day. I shan't trouble the House with many citations, as I fear that I have already trespassed too long on their patience, but I shall ask leave to repeat one commonly believed to have been aimed at the gallant knight—

"The King of France, with 20,000 men,
"Marched up the hill—and then marched down again."

I am far from saying that the gallant knight performed his military services in the same shabby fashion, but the lines which I have quoted were certainly much in vogue in those days.

And now, having recalled to the recollection of this House, the position of this country in the year 1837, having examined a little the character of true loyalty in a free state, I would ask this House, whether honorable gentlemen opposite had discharged their public duty during that eventful crisis in such a way as to entitle them to the gratitude of their country? What one public act of true loyalty can they point to? Loyalty which, whilst preserving the just prerogative of the Crown, should have also taught them to reconcile *that* essential principle of our constitution with the *other* principle, no less essential, the liberty of the subject; and which, while defending the prerogative of the Crown, would have guarded as no less sacred, the laws by which that prerogative is restrained within constitutional limits? When my honourable friend from the North Riding of York was fighting the battles of the constitution with a fidelity and firmness of which he may truly boast, and which his country gratefully and affectionately acknowledges, although honourable gentlemen opposite are pleased to inform us that my honorable friend is very unpopular in Upper Canada; I say, Sir, when my honorable friend in the course of the struggle which he so nobly sustained, penned the famous Minute of Council of 1836—did my honorable friend perpetrate an act of which he has reason to be ashamed? or did he not rather nobly discharge a duty of which he may feel justly proud? I aver that every man in Canada who is not utterly blinded by party zeal, every reflecting man in England, even the Sovereign upon her throne feels and admits that my honourable friend's conduct was directed by the truest loyalty. He faithfully but firmly advised his Sovereign of the constitutional limits by which the Royal prerogative ought to be bounded; he, at the same time, firmly and manfully pointed out to his countrymen those essential privileges of freemen, which it was no less their bounden, their sacred duty

to maintain. With the permission of the House, I will read an extract from that Minute delivered to the Governor :—" The Council meeting once a week upon land matters, whilst the affairs of the country are withheld from their consideration and advice, is as imperfect a fulfilment of the Constitutional Act as if the Provincial Parliament were summoned once a year to meet the letter of the law, and immediately prorogued upon answering the Speech. In both cases, the meaning and spirit of the Constitutional Act require that the Parliament should have a general and practicable opportunity to legislate, and the Executive Council to advise upon the affairs of the country. In the former case the Representative of the King can withhold the Royal Assent from the bills, and in the other reject the advice offered; but their respective proceedings cannot be constitutionally circumscribed." I will venture to ask the honourable gentlemen opposite, I will venture to ask the honourable member for Toronto, whether my honourable friend, when he frankly declared to Sir Francis Head, that he could not condescend to sit in his Council as a mere minister for the apportionment of the domains of the Crown, when he claimed for those filling the position he then occupied in the Councils of the Sovereign, the right to be consulted on those great interests of his country, in which our peace, happiness and prosperity are involved; I ask, whether my honourable friend in making that demand, did not evince sterling British loyalty? I ask, whether if all those then consulted, disregarding personal motives, had dealt in a manner equally faithful to their Sovereign and the country; I ask, whether that awful crisis through which we have passed might not have been averted? (The member for Toronto said he had not been in Sir Francis Head's Council.) I know, Sir, that the honourable gentleman was not in Sir Francis Head's Council, but I again ask him, whether that doctrine which my honourable friend advanced, and which Sir Francis Head denounced as rebellion, disloyalty, the subversion of the constitution; I ask, whether the demand of my honourable friend, to oppose which, the country was submitted to the most violent agitation we have yet witnessed—to oppose which, the election of 1836 was carried by means the most unconstitutional—to oppose which, honourable gentlemen opposite afforded such zealous and untiring aid—I ask whether that demand was not one which it became a British subject to make, and which it would have been becoming in a British Governor to concede?

Now, Sir, I implore the House to contrast the conduct of honourable gentlemen opposite, with the conduct of those with whom I have the honour to act. Again I appeal to the recorded opinions of those gentlemen ; I shall trouble the House with nothing resting on mere statement, however notorious to the country, but shall rely on documentary evidence of the most unquestionable authority. When the Upper Canada Assembly of 1837 had met, and set itself to lecture the people of Lower Canada on the constitutional principle for which my honourable friend had so long and so earnestly contended, this House of Assembly in the early part of their address, state the proposition which they were about to discuss, and the language employed by the Assembly of Lower Canada, in their claim upon the British Parliament, *viz:* "To render the Executive Council directly Responsible to the Representatives of the people, in conformity with the principles and practice of the British constitution, as they obtain in the United Kingdom." This is a principle in the absence of which England's greatest statesmen have said that her constitution could not subsist ; this is a principle, in the absence of which, Lord Durhrm has declared, and rightly declared, that our representative institutions could not be worked ; it is the principle for which many enlightened men of both Provinces had long

earnestly contended. Honourable gentlemen may have doubted of the necessity, they may have doubted the prudence of yielding this principle, though so earnestly sought after. But surely no man could fairly have treated such a demand as disloyal or unconstitutional; surely no Governor of this Colony, but, above all, no body pretending to represent the people of the Province, should have made the pressing of this demand, the ground for proscribing some of the ablest and most enlightened men of the country. But, will the House suffer me to read the recorded opinion of the Commons of Upper Canada:

"The question regarding the Executive Council, it is perhaps unnecessary to discuss. Never was the public opinion more clearly, more emphatically expressed, than on that very subject, at the late general election. A large majority of Your Honourable House was, as Your Committee firmly believe, returned as advocating principles and opinions diametrically opposed to those contained in this 2nd resolution. Your Committee, however, cannot let pass the opportunity of expressing their opinion, that the Governor, Lieutenant-Governor, or person administering the the Government of this Province, is entrusted with the exercise of the Royal Prerogative within the same, and that he (and not the Executive Council) is constitutionally responsible, as well to the Soverign as to the people of this Province, for the impartial and upright performance of the duties of his office; a responsibility essential to the preservation of the rights and liberties of His Majesty's subjects in Upper Canada, and which it is the imperative duty of their Representatives to maintain and enforce, and not to suffer that responsibility, so far as depends on them, to be weakened or destroyed, by transferring the whole or any portion of it to other parties; and that any attempt to transfer to the Executive Council this responsibility, and as a necessary consequence, the power and patronage vested by law in the person administering the Government, is in derogation of the constitutional Charter, and *would be dangerous to the liberties of the people, injurious to the stability of our social and political institutions, and utterly destructive of the ties which attach this colony to the British empire.*"

In *derogation of the constitutional Charter and dangerous to the liberties of the people!!!*—Without the clearest evidence, Sir, I should be ashamed to attribute such sentiments to any gentleman within this House; but had I not before me this volume of recorded judgment, the House could not believe, the country could not believe, that a body professing to represent the people of the Province had in 1837 given utterance to doctrines so slavish and degrading, so utterly subversive of constitutional liberty. And yet, this report has appended to it, the respectable name of the honorable member for Toronto. I ask him whether he can at this day support these opinions? Are these doctrines, which he can at this day maintain? But, lest the House should conceive that this sentiment may have inadvertently found its way into the report from which I have quoted, I shall refer to further reports of the Legislative bodies of Upper Canada. The Legislative Council, when called upon in 1838 to Report upon the state of the Province, says—

"If it be possible that there can be in any quarter a desire to make Upper Canada the theatre for an experiment of principles, which it may be falsely imagined, are more liberal and more free, than those secured by our present constitution, we earnestly hope that the wisdom of Parliament, and the good sense of the British nation, will rescue us in time from the danger which threatens our liberty and our peace."

And again the House of Assembly, in its Report of the same subject, says:—

"No sooner had Mr. Rolph and Mr. Baldwin (with whom also was associated Mr. Dunn, the Receiver General) taken their seats at the Council Board, than they proposed and had sufficient influence to induce the other members to agree to the proposal, that they should henceforth in effect, be accountable to the people, and not to the Crown, for their acts; that is, that they should remain in office so long as a majority of the Assembly approved of their conduct, and no longer; and that when the Lieutenant-Governor acted in opposition to their advice, they should be at liberty to make the circumstance publicly known. This proposition, so contrary to all colonial usage, and distructive of the constitutional authority of the Sovereign, by rendering every part of the Government dependent on the democratic branch of the Legislature, at once convinced the Lieutenant-Governor of the real character of the men he had, with an honest desire to reconcile conflicting parties, admitted to his confidence, and

the extremely delicate and somewhat dangerous position in which he stood. Happily for this Province, His Excellency proposed a vigorous, active and intelligent mind, and was prompt and resolute in acting upon its suggestions."

Now, Sir, I think I may assert with confidence, that when the people of this Province, in 1836, found their constitutional demands preremptorily refused,—when they saw their leaders denounced, proscribed as traitors and rebels by the Representative of their Sovereign—when they saw the Representatives of the People unconstitutionally assembled, as they conceived, not only affirming every doctrine announced by Sir Francis Head, how adverse soever such doctrines might be to their dearest rights; but when they saw that House proceeding in advance even of Sir Francis Head, and clamour for further extension of the Royal Prerogative—when all hope of constitutional remedy seemed lost—I think, Sir, I may assert, that under such circumstances there existed great cause of irritation. But the gallant Knight opposite has favoured us with a long list of Governors of this Province, who have been distinguished by the Royal favour, and the gallant Knight claims for himself the credit justly due to his uniform support of every Representative of the Crown in the Province, of whatever political bias—when I say every Representative I wrong the learned gentleman—the House recollects the jocular sneer with which Sir George Arthur's name was mentioned, possibly, I may be able to point out the origin of that feeling; and I shall not condescend to repeat the observations applied to the noble Lord, the present Representative of our Gracious Sovereign in this Province. But this much I will say, that the practice introduced by honorable gentlemen opposite, of using toward the Representative of the Queen in this Province, such language as we have been too often obliged to listen to, is as unparliamentary as it is unbecoming, and must result in such a mode of conducting the business of the House as every honorable member must deprecate. The Government of the country is carried on through the medium of a responsible Ministry; surely therefore, it would be more constitutional in honorable gentlemen, to charge upon the Ministry of the day the acts for which they are responsible to the people of the Province, instead of pursuing the practice which honorable gentlemen have seen fit to adopt. But I have been drawn aside from the course of argument which I was pursuing. I was about to mention that the gallant Knight had included in the catalogue of honoured Governors, with especial emphasis, Sir Francis Head. I confess I had thought that, at this day, every man in England, every man in this country, had learned to view that honorable Baronet's admininstration of the affairs of this Province with just reprobation. But it seems the gallant Knight is still as devoted an idolater as ever, and had the gallant Knight confined himself to the confession of his own creed on this subject, I should have contented myself with expressing a hope for his conversion. But when the gallant Knight informs the House that a Governor, whose administration of the affairs of this Province has been denounced in the British House of Lords with an eloquence worthy of that august assembly; would to God that we could now hear that voice amongst us,—when the gallant Knight informs us, that a Governor, to whom this country attributes the unnumbered ills of the most unhappy period of our whole history; that such a Governor, I say, was regarded by our gracious Sovereign as worthy of all honour and reward,—I could not repress my indignation. Knowing as I do, that Sir Francis Head's entire Government of Upper Canada was one long, earnest, undeviating opposition to the instructions of His Majesty's Colonial Ministers, believing as I do, from the evidence before me, that Sir Francis Head meditated the sub-

version of our constitution, the annihilation of our dearest rights; finding here in these State Papers, an expressed intention on the part of that Governor, to effect a purpose so fatal to all our hopes, through the medium of a subservient House of Assembly, the Assembly of 1836—I confess that I could not repress my indignation, that an attempt should be made at this day, to render the memory of our gracious Sovereign less dear to us, and to transfer to the Colonial Minister that reprobation which has been felt, and justly felt, against the Government of Sir Francis Head. And I rejoice to tell the House, and to tell the country, of the debt of gratitude which we owe to our gracious Sovereign. I rejoice to be able to shew, upon the most undoubted authority, that had the liberal, and enlightened, and patriotic views of our gracious Sovereign been carried out, the saddest period of our existence had not darkened the page of our history. We are told, however, that Sir Francis Head's eminent services were rewarded by the title of Baronet, conferred upon him during his residence amongst us. Had the gallant Knight read the correspondence touching that miserable Baronetcy—had he informed himself of the pertinacity with which this admiredGovernor pressed his claim to that distinction, *even after it had been refused*, after difficulties and differences respecting the course he had thought proper to pursue had resulted in direct disapproval of his policy—had the gallant Knight seen how this *honorary distinction* was begged—almost bargained for, he would not have insulted the country by his observation upon that subject. I earnestly hope the gallant Knight's honors have been won in a very different fashion.

I said, Sir, that Sir Francis Head had violated his Sovereign's commands—I said that he meditated the subversion of our constitution; and were it not for the time which I have already trespassed on the patience of the House, I might vouch in confirmation of these assertions the entire official correspondence of that period. I shall find it necessary, however, to read but one or two passages, because I find the propositions which I have ventured to state, evinced in a manner so explicit, that I think this House will hardly require from me any further citation. I have before me a Despatch from Lord Glenelg, under date the 8th of September, 1836; I should gladly read the entire document, it would amply repay an attentive perusal. But, without troubling the House at such length, the House will permit me to read the following paragraph.

"But on the use to be hereafter made of the powers which you have thus acquired, it will depend whether the result is upon the whole, a subject of *congratulation, or of regret.*

"You propose that the influence and authority of the Government in the new Assembly, should be exercised in the retracting of a pledge solemnly given by the King to the Province. I must answer that there is no danger which ought not to be encountered, nor any inconvenience which should not be endured, in order to avoid the well-founded reproach of a breach of faith; above all, on such a subject, and on such an occasion. By the engagements into which the King has entered his Ministry will abide, not indeed, indifferent to the possible issues of that decision, but prepared for any consequences inseparable from the observance of his royal word."

Sir, I have not been able to discover the Despatch of Sir Francis Head, to which this one is a reply; but I think I may venture to assert that this Governor, whose administration is so much the subject of admiration to honorable gentlemen opposite, had in contemplation to deprive the people of this Province of that entire control over the public purse, which our gracious Sovereign had thought it right to concede to his Canadian subjects, a concession guaranteed to us by a sanction no less sacred than His Majesty's plighted faith. I think I may assume that the House of Assembly, the so-called representatives and guardians of the people's rights, was the instrument by which the Governor

purposed to effect this dark design. Honorable gentlemen opposite, may glory in their *loyal alacrity to sustain and carry out this monstrous, this illegal exercise of the Royal Prerogative, by the subversion of our whole constitution; but I fearlessly tell them that they were guilty of the foulest treason to their country.* I tell them that their proneness to sustain—I will not say the Royal Prerogative, it was the unhallowed purpose of the Governor in defiance of his Royal masters will—is not loyalty but slavery. If the public conduct pursued by some of the representatives of the people in that day be indeed loyalty in its genuine sense, who more loyal than Strafford? When did he pause to weigh his duty to his country, against his duty to the Crown? Do honorable gentlemen mean to say that they were more ready to lend their assistance to the subversion of the constitution of this country than Strafford was to subvert that of England? But that loyalty of Strafford which cast behind him the privileges of the people of England was pronounced to be *treason to the constitution*, and *that treason he expiated with his life.* The patriotic Sidney in his zeal over-stepped the bounds of law, and he too, expiated that fault with his life; but, Sir, though dead, his disinterested patriot-heroism has raised for him an imperishable monument; he still lives in the grateful recollection of his country, whilst the cold-blooded apostacy of Strafford remains an object of just execration. God forbid that I should upon light grounds charge upon any member of the Assembly of 1836, the emulation of an example such as this; but considering the passage which I have cited—considering the ready zeal of that Assembly to outstrip the most unconstitutional doctrine then propounded, the country has a right to demand some explanation from honorable gentlemen opposite.

I will now ask permission to cite another passage from the same Despatch.—

"He plainly asserts, or necessarily involves the assertion, that the '*Representatives of the People of Upper Canada, from whatever class of society they may be chosen, are unworthy to be trusted with the appropriation of the Revenues of the Province, and will be led on by every concession to new encroachments and usurpations.*' If compelled to reason on this basis, I should be irresitably urged to consequences far exceeding those which you have stated, or perhaps contemplate. But I entertain *a very different opinion.* For the support of the constitution in Upper Canada, I would with confidence appeal to the good sense, the loyalty, and the public spirit of the inhabitants at large.

"At this distance it is more easy, perhaps, than on the scene of action itself, to look dispassionately at the triumph of the moment, and to estimate with a sober and cautious foresight, the ultimate results of what is now passing. Without digressing into topics on which I am unwilling without necessity to enter, I would only express my belief, that if your present success be used for the introduction of what you describe, as '*acts of a stern and decisive nature,*' we shall then away the fruits of the victory which you have gained, cement again that alliance which has for the time been broken up, and produce a second reaction, to which I know not how any effectual resistence could be presented. On the other hand, *by a firm adherence to the plighted faith of the Crown*, by a frank redress of every real grievance, by a cordial concession of every just demand, and by a resolute opposition to demands of a revolutionary character, we shall, I trust, secure every object which is of any real moment; and even in the event of failure, shall stand absolved before God and our country from the reproach of having brought upon ourselves public disasters by the dereliction of any duty, or the abandonment of any principle.

"In a word, His Majesty commands me to state, that with regard to Canadian Policy, his course is *irrevocably* taken by the *instructions which you have received;* that he will fulfil *every promise* contained in them *faithfully* and *completely*, and that a *zealous* and *cordial* co-operation on your part, in prosecution of the system of policy thus solemnly announced, is *the condition upon which the administration of the Province can be continued in your hands*".

I have said, that I had not been able to discover that Despatch of Sir Francis Head to which this is a reply; it would afford me great satisfaction to have read that document, but in its absence, I think I may be permitted to

quote those remarkable words cited by Lord Glenelg from Sir Francis Head's communication, "*stern and decisive measures.*" I ask the House to mark the peculiarity of the expression. This was not the determination of a Governor to meet revolutionary force by stern opposition; the Despatch communicating that dark design, nay, this reply of Lord Glenelg was written some months prior to any outbreak; it was written at a time when Sir Francis Head declared that *he did not apprehend any violence;* at a time when he refused all precaution; long before the period when in mockery of resistance, he left the country which he was deputed to govern and protect, denuded of all means of defence. I ask the House, I ask honorable gentlemen opposite, what were those "*stern and decisive measures*" proposed by the Governor of Upper Canada in a time of profound peace, when no apprehension of violence existed, and when, to our shame be it spoken, a House of Assembly had been elected prepared to sanction whatever sacrifice might be demanded? But I think I may fairly advance one step further, and assume that the policy proposed by Sir Francis Head, which Her Majesty's Ministers refused to sanction, was of an entirely different character from that which Lord Glenelg here proposes to institute in its room. What was this remedy offered by Lord Glenelg? "*a firm adherence to the plighted faith of the Crown, a frank redress of every real grievance, a cordial concession of every just demand.*" What more did any Canadian ever require? Had the House of Assembly of 1836,—had those who then enjoyed the confidence of Sir Francis Head, discharged their duty faithfully to the country,—had they advised Sir Francis Head to meet the people of Canada with this truly Royal and paternal message in his hand, instead of devising "*stern and decisive measures,*" who in this House will venture to assert that rebellion would have ensued? From what quarter could opposition have sprung? Peace, good government and order would have prevailed; his administration had not been written in letters of blood, and Sir Francis Head, instead of receiving the eulogy pronounced by the gallant Knight of Hamilton, and by him alone, would have enjoyed the first place in the affections of the people of Canada. I do say, Sir, that no part of the public conduct of the honorable gentlemen opposite up to the period of the unhappy outbreak, has been such as to warrant that extreme self gratulation in which those honorable gentlemen unceasingly indulge; I see nothing in the course of their public conduct to entitle them to the praise of the country. And when the rebellion had been suppressed, did honorable gentlemen even then lend their assistance to stop the effusion of blood? Surely, when disaffection had been crushed without foreign aid, when not only the disaffected but the entire liberal party lay prostrated, surely there could be no valid reason for that severity of punishment which the highest necessity only could justify. [Here Sir Allan disclaimed taking any part in the executions, and asking to be pointed out the particulars to which Mr. Blake alluded.] The honorable and gallant Knight disclaims taking any part in those painful transactions, and asks me to point to the particulars to which I refer, and the honorable member charges upon my absent friend, now one of the Judges of the Court of Qu[illegible]'s Bench, the responsibility of that advice. The honorable and gallant Knig[illegible] may depend upon it that I shall furnish him with the authority upon which I rely. And as to my honorable friend, would he were now here to defend the advice he then gave; he would have known how to reply to the gallant Knight. But this much I must take leave to say, that a more humane man than my honorable friend is not to be found in this country. And now, Sir, I must tell that honorable member further, that the blame for the severities thus practiced, does not justly rest upon my friend, unless indeed, these papers

are unworthy of credit; Sir George Arthur, though ordered by his Sovereign to administer justice and mercy, did feel obliged to push capital punishment beyond what Her Majesty's ministers thought to be requisite, but he ever justified that necessity by a reference to the authority of those with whom the gallant Knight always acts; and it eventually required the stern interposition of Lord Durham's authority to stay the further effusion of blood. Not that I have any desire to represent the conduct pursued at that time as severe without provocation; I know there was grave provocation, I do not and cannot forget it. I know, too, how natural it is for men to cling to the place and power which they have long enjoyed; I know how humanity resents any interference, under such circumstances, as injustice. But I am considering the course of policy pursued, and the reasons assigned for it, and whatever palliation I may be disposed to concede, I must take leave to repeat, that in no part of the conduct of hon. gentlemen opposite, prior, during, or subsequent to the rebellion, can I discover the ground of self glorification in which honorable gentlemen have indulged. Let us now, Sir, reverse the picture. When my honorable friends in Lower Canada remonstrated against the unconstitutional disposition of the monies of the Province by the Duke of Richmond, by Lord Dalhousie, in defiance of the resolutions of the House of Assembly of Lower Canada, was that a line of conduct for which they are justly to be reproached? Shall it be said that in this country, the opposition of *a people* to the abstraction of the *whole revenue* is to be regarded as meriting reproach; while in England the resistance to a paltry but illegal tax, centuries past, has rendered Hampden the theme of praise down to our own time? When my honourable friend from North York in 1836, in very early life, relinquished place and power for the establishment of an essential principle of our constitution, did he, or did he not give a pledge to the country of the purity of his public conduct? When my hon. friend in 1841 again resigned the office which I have now the honor to fill, because he believed that the proposition of the then Representative of his Sovereign to govern this country in opposition to a large and enlightened portion of the community, our fellow subjects of French origin, to be ot only unjust but impossible; did he, or did he not give to the countty, and to? nour Canadian fellow subjects, a pledge of his pure and disinterested patriotism When, in 1843, my honorable friend, now at the head of the administration with his colleagues resigned office into the hands of their Queen's Representative, because they regarded the powers assumed and the doctrines maintained by that Representative, an infringement of the liberties of the people; because the course pursued by that nobleman was such as honorable members opposite have since unequivocally and repeatedly declared to be unconstitutional; did they or did they not give to the country pledge and guarantee of public fidelity to their public trust? I ask the House calmly to consider the course of conduct of my honorable friends around me, and I ask honorable gentlemen opposite, to point out any single act of their whole political existence to which they can appeal as evidence of their zeal for the public welfare? The expression "rank rebel" has been applied by the gallant Knight opposite to some gentlemen on this side of the House, but I tell gentlemen on the other side, that their public conduct has evinced that they are the rebels to their constitution and country. [Here Sir Allan MacNab affected to believe that the term rebel had been applied to him as denoting that he had carried arms against the Queen. Mr. Blake explained that his expression was not intended to convey any such meaning, but meant to point out that surrender of the country's rights, which he contended that their course of conduct had evinced; but some difficulty ensued in the gallery and the debate closed.]

FRIDAY,—*Debate continued.*

Mr. BLAKE, in resuming his speech, recapitulated at some length, his positions of the former day. He then cited numerous despatches, shewing the circumstances under which Sir Francis Head's title had been conferred, which we must omit, as extending to too great length. The learned gentleman then, after condemning the course pursued by Sir Allan M'Nab in representing that the conduct of Sir Francis Head had met with the approval of his Sovereign, proceeded—

But, Sir, to eulogise Sir Francis Head was one thing, to condemn Lord Durham, another. When I recollect that it is to the Report of Lord Durham, at which honorable gentlemen opposite—*great statesmen*—feel at liberty to sneer—when I recollect that it is that Report, to which, under the Providence of God, we are indebted for the happy state of peace and quiet in which we are found—when I recollect that it is to the principles of that Report, carried out into practice, embodied in our constitution, that we owe our present position, assembled in this peaceful hall, legislating for the well-being of our country, unconvulsed by those fearful throes which now shake Europe to its centre, and make men's hearts to tremble—when I consider the debt of gratitude which the country owes to Lord Durham, *and call to mind the manner in which the honorable gentlemen opposite, on a former occasion, expressed themselves on this subject*, as I shall shew them by documentary evidence, bearing their own signature—looking, Sir, at all these considerations, I do confess, that it was not here that I expected to have been met by such language. (Ironical cheers.) Honorable gentlemen cheer, and I now call upon them to come forward and declare themselves before the country, If responsible government be a bane instead of a blessing, let the gentlemen opposite avow it; let the country know what their political opinions are. I was observing, Sir, that considering the debt of gratitude which the country owes to Lord Durham, I did think that honorable gentlemen opposite might have spared themselves those insults to his memory. I did hope, that gentlemen of a temper so high and chivalrous, would not have condescended to unveil the sanctity of the tomb to desecrate the character of one, upon whose name no stain has ever rested. I ventured to say, Sir, that the opinions expressed by honorable gentlemen to-day were not their opinions of yesterday. I ventured to say, upon recollection, that honorable gentlemen opposite had appended their names to documents not agreeing very exactly with the declarations of to-day. I had ventured to say, that when Lord Durham was here amongst us, enjoying the favor of the crowd, with honors and reward at his command, we heard of no attack upon his administration of the affairs of the country. Flattery and adulation was the language of 1838, this House has heard the language of 1848. The House will recollect the expression of the honorable gentleman opposite, "*that Lord Durham should have been shot,*" and will the House believe that the gentleman who made that declaration——

Sir ALLAN MCNAB.—I said, a common soldier would have been shot.

I tell the gallant knight, that in England the Earl and the private soldier stand upon common ground, that the British law knows no distinction between the peer and the peasant: and when the gallant knight made the assertion, that a soldier would be shot, it was a declaration that Lord Durham should have been.

Sir ALLAN M'NAB rose to order. He did not choose to allow the hon. member to misrepresent him; what he had really said was, that Lord Durham was not

recalled—that his resignation was not accepted—that he deserted his post and went home without leave, and that if a private soldier had acted in that way, he would have been tried by a court martial and shot. (Cheers and counter cheers.) That was what he had said, and he repeated it. (Ironical cheers.)

That is precisely what I had imputed to the gallant knight—That was the language of 1848; I will read to the House the language of 1838. After Lord Durham had declared to the country that he would not continue here; after he had denounced the conduct of the opposition in the Imperial Parliament to be such as he could not consistently, with his honor, brook; I will read to the House the language of honorable gentlemen opposite on that occasion. "We Her Majesty's dutiful and loyal subjects, inhabitants of the City of Toronto, respectfully approach Your Excellency with renewed assurances of devotion and attachment to Her Majesty's Royal person and Government. (Ironical cheers.) We retain lively and gratifying remembrances of Your Excellency's visit to Toronto on the 18th July last; of the reception given to Your Excellency by the inhabitants of the City and District, of Your Excellency's courteous and satisfactory reply to the congratulatory address then presented to you, and we now beg to reiterate our expression of confidence"; (in a traitor who ought to be shot!)—(cheers and laughter)—in Your Excellency's administration, contained in that address, and of satisfaction at your appointment as Governor of British North America at this important crisis, (hear, hear.) Any public circumstance tending to destroy confidence in the stability of the government, cannot fail to be productive of most disastrous results, (ironical cheering,) and impressed with this feeling we would regret any occurrence which might have the effect of inducing Your Excellency to retire from the government of British North America as a great public calamity. Deeply and immediately interested in these measures which it is the object of Your Excellency to mature, we find ourselves imperatively called upon at this juncture," (at what juncture? When he had declared publicly that he intended to leave Canada, when he had published the celebrated despatch in which he stated that intention.) "To *express publicly our confidence in Your Excellency, and to convey to you the aassurnce of our active and cordial support in* [illegible] *measures you may contrive or adopt, having for their object the benefit of all classes of the community, and we trust Your Excellency, undismayed by opposition or misrepresentation on the part of those who are unacquainted with the true interests of the country, will continue to advance the grand object of your mission.*" Honorable gentlemen's cheers intimate, I presume, that at the period of that address Lord Durham had not resigned his commission; but I tell the honorable gentlemen, that at the time that address was presented, Lord Durham's determination had been publicly announced, and that I may leave no shadow of a doubt in the minds of the honorable gentlemen, I will read one short paragraph from another address presented by the town of Kingston :—"We beg to reiterate the confidence we entertain in Your Excellency's intention, and we earnestly solicit Your Excellency not to withdraw from the Government of these Provinces, until those measures, in the prospect and promise of which the people of these colonies have placed so much reliance, shall have been matured." (Cheers.) And now, I trust this House will, at all events be convinced of the fact, that honorable gentlemen, who here stand up *with such magnanimity* to insult Lord Durham's memory, were no less ready in 1838 to fall down and worship that enlightened statesman. There was then a lingering hope that old factions would have been supported, that libels upon the honor and loyalty of the people of the Province would be perpetuated, and that place and power

would be continued to the honorable gentlemen opposite. But when His Lordship's report had been published, that report to which we owe our constitution and our liberty, even the tomb could not shield him from the insulting language which the House has heard. I for one however feel that this country owes that Statesman a great debt of gratitude, and I shall ever esteem it a blessing that I have been permitted here, however feebly to stand up and proclaim my sentiments of that noble Lord's services. I esteem it a great privilege to be able to tell the country that when Sir George Arthur, although sent here with instructions to administer the law in mercy, when he was urged by the conservative party in Upper Canada to pursue a stern and unbending course, it was the prompt and decided interference of Lord Durham that staid the effusion of human blood. Will the House suffer me to read the despatch upon which I have ventured to make these assertions? Lord Glenelg's Despatch of the 14th March, 1838, contains Sir George Arthur's instructions with respect to the treatment of those engaged in the rebellion. In it the House will find the following passage :—

"Her Majesty's Government are fully alive to the difficult position in which, at such a period of alarm and confusion, the Legislature and the Government of Upper Canada are placed. But as I trust the causes of apprehension so lately existing are now, through the loyalty of the great body of the population, almost entirely at an end, *I earnestly hope* they will *be as distinguished by moderation after success* as they have been by gallantry in the time of danger. Nothing I fear would be more likely to impair the moral effects of the late events than unnecessary severity. I trust, therefore, that while every measure will be adopted essential to the security of the Province, *your influence will be successfully exerted in moderating the zeal of those, if such there be, who might be disposed to proceed to extreme measures*, and in allaying that irritation which, however natural, cannot but be attended with danger to the public peace."

That Sir George Arthur did not pursue the instructions of Her Majesty's Ministers to such an extent as he might have done, is notorious; this House can require no evidence on that head ; but I am anxious to direct the attention of the House to the reason assigned by Sir George Arthur for the course of policy which he did in fact pursue. In his Despatch to Lord Glenelg, under date 30th June, 1838, I find the following passage :—

"The chief embarrassment I feel is, how to meet entirely the views of Her Majesty's Government. A humane and benevolent feeling to avoid altogether, if possible, capital punishment, seems to be Lord Glenelg's anxious desire, *which is entirely opposed to the feelings of the people of this Province.*

"Your Lordship will perceive by Lieutenant McGrath's Report, (a copy of it is enclosed,) what the feelings of the militia are with regard to the prisoners, and it has, I believe, required no common firmness on the part of the officers to prevent the militia from putting many of those atrocious banditti to death upon the spot, in place of bringing them in as prisoners."

The value to be attached to the report of a Lieutenant of Militia, in deciding the course and policy to be pursued by a Government, we here pretty well understand. What its effect might be, introduced into solemn state papers, I cannot presume to decide. But I must crave the attention of the House to the passage of Lieutenant Magrath's report to which allusion is made, because it points to the *influence* under which Sir G. Arthur acted.

"There is a circumstance I beg leave, however, to call your particular attention to. It was with great difficulty I could restrain my men (naturally enraged at the cowardly attack upon their comrades) from shooting or hanging the prisoners; and it was not until I gave my solemn word and honor that, if found guilty, (of which there can be no doubt,) they would all be hung, that my men gave up stating that they should die; which I hope you will please to represent to His Excellency the Lieutenant Governor."

Again, in the Despatch of the 22d October, 1838, we find this paragraph:—

"The loyal people of the Province do not seem inclined at present to come forward cheerfully, as they consider the threatened calamity would have been arrested had more severe punishment been inflicted on the traitors; and the militia have other grievances of which they complain."

And in another Despatch :—

"The constitutional party, indeed, strongly entertain the utmost indignation towards the authors of the calamity which has been brought upon the Province, and the ruin which has been the consequence to many loyal men; and they expect that *signal examples will be made to deter future Reformers* from daring to go such lengths."

I might refer to the very extended official correspondence of this period to establish the position, but I hasten to that for which indeed I entered upon this painful topic, merely to shew that it was Lord Durham who arrested the hand of vengeance when it was raised to strike. In His Lordship's letter of the 16th August, 1838, he communicates to Sir George Arthur a wish to be informed of the circumstances respecting the case of Wait, and Chandler, with a view of extending to them the Royal clemency.

"SIR,—I have been applied to by the family of Samuel Chandler and Benjamin Wait, now under sentence of death in Upper Canada, for high treason, as under the late act against forgeries, for an extension of the royal mercy to these persons, and for the grant to them of Her Majesty's pardon.

"I am unwilling to interfere with the course which, in Your Excellency's opinion, might seem the most advisable, and I feel that, without full information and report of the circumstances, I have no means of forming an accurate judgment, whether any person is convicted of treason by a competent Court, is, or is not, a fit object of the royal clemency, to the extent to which it would be proper to grant it. But on a careful and attentive perusal of any commissions or instructions, it appears evident that I am called upon to exercise any judgment, as Governor General of British North America, and Her Majesty's High Commissioner, in all cases arising out of the recent insurrection in the two Provinces. In consequence of these instructions, I have to request that Your Excellency will forward to me a full report of the cases of all the prisoners, with the judges' reports upon them, and that Your Excellency will also favor me with your own views upon each particular case, and a statement, as far as in your power, of the previous character and conduct of each of the prisoners, any recommendation to mercy which the juries who tried them may have given.

One would have thought that Sir George Arthur would have courted interference of this character, but what was his reply? It is found in his letter to Lord Durham, under date 20th August, 1838.

"I have the honor to acknowledge the receipt, whilst on a tour of inspection through the Eastern Districts of this Province, of your Lordship's Despatch, No. 7, of the 16th instant, framed upon an appeal which has been made to your Lordship by the members of the family of Samuel Chandler and Benjamin Waite.

"The measure which your Lordship has considered yourself called upon to adopt, in consequence of this appeal,—that of depriving the officer administering the Government of the Colonies of the powers expressly vested in him by the Royal Commission,—is so important in its nature, and in its inevitable effects, that I must beg your Lordship to excuse my delaying to reply to it at any length until my return to Toronto, on Monday next.

"That your Lordship has misapprehended the intention of the Secretary of State, which you have quoted, I think may be deduced from the whole tenor of Lord Glenelg's correspondence with me respecting the cases of the persons convicted of treason, and more especially from a Despatch which I have very recently received, dated the 12th ult., (July) in which his Lordship conveys to me the gratifying assurance that Her Majesty's Government entirely coincides in the measures I have adopted, and the views I have expressed myself to entertain in this important matter, and directly refers me to the power of pardoning for treason vested in the Officer Administering this Government, under Your Lordship's command as Governor-in-Chief."

I do not cite these documents as evincing any disposition of Sir George Arthur's own mind as to severity. His feelings may have been kindly, but I advert to them as shewing the pressure under which he acted, in the absence of which,

humanity would too gladly have caught at Lord Durham's intervention as a happy relief. But when, in reply to the communication which I have just cited, Lord Durham in his Dispatch of the 24th August, 1838, after considering at length the extent of his authority, closes with the following passage :—

"I must therefore repeat my request for the reports, statements and information, which I previously desired Your Government to transmit to me ; taking for granted that you will, as a necessary consequence, respite all the prisoners until I shall have had time to make the inquiries which I propose."

We find Sir George Arthur in his letter of the 29th August, and 31st August, remonstrating against the interference of the High Commissioner in the following language :—

"These considerations, together with a reference to what must be the feeling of the legislative bodies with whom I have to act, and who would not fail to enquire with great strictness, into any innovation upon the constitution of the Province, and most particularly in respect to the administration of justice, induced me, whilst I informed Your Lordship, that the sentence of death upon the convicts Chandler and Waite, (the representation of whose cases had apparently been the occasion on which Your Lordship thought it necessary to communicate with me), had been ordered to be respited before I left Toronto, to request Your Lordship would excuse my delaying to reply to Your Lordship's despatch until my return."

And again :

"Your Lordship is already in possession of my Despatches of the 30th May and 7th of June, to the Secretary of State. A copy of His Lordship's answer to them, I have the honor to enclose, and I would simply observe upon it, that, even if it be possible that I am mistaken in the opinion I have formed, that it never was intended to take out of the hands of this Government, the decision of such cases as Waite and Chandler ; yet, Your Lordship will, I am sure, be disposed to admit, that the views I entertain, and have expressed in my Despatch marked "*separate*," might well be drawn from the Secretary of State's reasoning and instructions.

"In almost the very last stage of these anxious proceedings, I must confess I was surprised and disappointed that, on the application of the families of two of the most active and hardened of the traitors, who had encouraged and led a band of ruffians to enter this Province, and secrete themselves in their own neighbourhood, with a view of again raising the standard of rebellion in Upper Canada, Your Lordship should have felt it to be necessary to interpose your authority in their behalf, and to stop the ordinary course of the Executive Government, under circumstances that must necessarily create a very great sensation, while they were proceeding according to law, and under the Royal commission.

"At the time I addressed Your Lordship, it was supposed there were about forty persons captured, subjects of Her Majesty, and citizens of America, who had taken a prominent part in the renewed attempt at invasion and rebellion on the Niagara and Western Frontiers,—of these it was my opinion two should suffer capital punishment at Niagara, and two in the Western District, and that the rest should be *directly* transported to a Penal colony, except in individual cases, some favourable circumstances were discovered."

And this conflict of authority which I may, without offence, be allowed to designate as strange under these circumstances, and as evincing the strong necessity by which Sir George Arthur felt himself urged, was only terminated by Lord Durham's letter of the 18th September, 1838, appealing to the Imperial Government.

"If your opinion should remain unaltered, I will not desire Your Excellency yourself to carry into effect a course which may be repugnant to your sense of duty. But I *must request that reference be made to Lord Glenelg, and that Beamer be respited until His Lordship shall have decided the point.*"

I am sensible, Sir, that I should have commended myself much more to the favorable consideration of the House had I indulged myself in general state-

ments instead of quotations from the papers which I have read; but I was desirous that the country should feel what it owes to Lord Durham in this particular, and on such a subject I did not choose to rely upon any authority less undoubted than that to which I have referred. And now, having considered the events preceding the rebellion of 1837, the occurrences during and subsequent to that unhappy period; having glanced at the disorders which had existed in our Government, and the great fundamental changes which have been happily educed from those unfortunate events; looking to the public conduct of my honorable friends, and of honorable gentlemen opposite, I trust I might ask this House without much fear as to the result, whether, if there be any *just losses* sustained during or consequent upon that rebellion, this House is prepared to say that those losses shall be borne by individuals whom chance and misfortune exposed to such calamity, or whether they shall not rather be borne by the State. I think I might ask this House and the country whether they can discover in honorable gentlemen opposite any such distinctive peculiarity, that a measure of this kind may be safe and wise in *their hands* and in their hands only, or whether my honorable friends may not with at least equal safety be permitted to pursue the course dictated by humanity and marked out by gentlemen opposite. I think I might ask this House and the country whether the sort of opposition offered by members opposite, to this measure prepared by themselves, may not be justly stigmatized as a factious opposition to the measures of Government? I use the expression *just losses*, for the proposition is not to pay the losses of rebels in arms against the Government, as has been studiously stated—it is not a proposition to pay for property destroyed in the heat of conflict—it is not a proposition to remunerate those who may have suffered under the sentence of the laws of their country; those cases are left still to the care of honorable gentlemen opposite. The proposition is to pay for the destruction or loss of property real or personal under circumstances not warranting such destruction or loss, under circumstances as may justify the Commissioners in declaring such losses to be just. But it is first said that the proposition brought in by the gentlemen opposite, was a proposition to pay *just* losses, whilst the proposition of my honorable friend is not so qualified. Now, Sir, this part of the argument requires only a perusal of these resolutions for its determination. To the first four resolutions no exception can be taken. They are mere recitals of facts, the accuracy of which is not doubted. They are as follows:—

1. *Resolved*,—That on the 28th day of February, 1845, an humble Address was unanimously adopted by the Legislative Assembly of this Province, and by them presented to the Right Honourable Charles Theophilus Baron Metcalfe, the then Governor General of the same, praying "That His Excellency "would be pleased to cause proper measures to be adopted, in order to insure to "the inhabitants of that part of this Province, formerly Lower Canada, indem-"nity for just losses by them sustained during the Rebellion of 1837 and 1838.

2. *Resolved*,—That on the 24th day of November, 1845, a Commission of five persons was, by His Excellency the said Governor General, duly appointed to inquire into such losses, arising from and growing out of the said Rebellion.

3. *Resolved*,—That it appears by the Report of the said Commissioners, dated the 18th day of April, 1846, "That the want of power to proceed to a "strict and regular investigation of the losses in question, left the Commis-"sioners no other resource than to trust to the allegation of the claimants, as "to the amount and nature of their losses."

4. *Resolved*,—That on the 27th February, 1846, a letter was addressed to the said Commissioners by the Honourable the Secretary of this Province, by

the order of the Right Honourable Charles Murray, Earl Cathcart, the then Administrator of the Government of the same, stating, " That the object of " the Executive Government in appointing the said Commission was merely " to obtain a general estimate of the Rebellion losses, the particulars of which " should form the subject of more minute inquiry thereafter, under Legislative " authority."

Then, Sir, when the next, the 5th resolution, proceeds to state, "as the opinion " of the Committee, that in order to redeem the pledge given to the sufferers of " *such losses*, or their *bonâ fide* creditors, assigns or *ayant droit*, as well by the " said Address of the said Legislative Assembly, and the appointment of the said " Commission, as by the said letter so addressed by the Honourable the said Pro- " vincial Secretary, it is necessary and just that the particulars of such losses not " yet paid and satisfied, should form the subject of more minute inquiry under " Legislative authority; and that the said losses, so far only as they may have " arisen from the total or partial destruction of the dwellings, buildings, property " and effects of the said inhabitants, and by the seizure, taking or carrying away " of their property and effects, should be paid and satisfied."

Can any man of common sense doubt that the expression "such losses," mentioned in the 5th resolution, must and can only refer to the *just* losses specified in the preceding resolution? I shall not trouble the House further on this point; it would be an insult to common sense. However, it is next said, that the proposition of the honorable gentleman opposite was a proposition to pay the losses of *loyal* subjects, whilst the proposition of my honorable friend is for the payment of the losses of rebels, and no doubt, Sir, the language of the commission if it stood alone, might seem to justify the first observation. But I shall not assume that honorable gentlemen opposite meant to palter in a double sense; I shall not assume that they meant to insert one set of words in their commission, and another in their instructions, that they might have the benefit of either, as occasion should require. I shall not assume, that honorable gentlemen will disavow their own official correspondence in this business. When, then, in the instructions sent from the Provincial Secretary, the commission was directed to classify the claimants, distinguishing "*those who had joined in the rebellion from those who had not*", had honorable gentlemen opposite any useful practical end in view? If loyal subjects, that is those who had not *joined in, aided or abetted* the rebellion, if such *only* were to be paid, then why the classification, why entertain and consider demands, the intention to pay which is now disclaimed? Why, Sir, the whole amount of claims submitted to these gentlemen amounted to £241,965, and of this sum £55,903 was for what? Will the House believe it? *for time lost by persons transported under sentence of the Courts, for the losses of those who had been tried by Courts Martial.* The conclusion is inevitable, either the intention of the late government was much more extensive than is now avowed, more extensive even than the proposition of my honorable friend, or the whole must have been a device for distributing amongst those commissioners a large amount of public funds—for the House will bear in in mind that this commission has cost the country nearly £1000. But the matter does not rest even here, although it would then seem sufficiently clear; the remaining correspondence places the question beyond doubt; for when the Secretary to the commission, feeling that the instructions furnished and the commission itself did not precisely agree, proposed to the Government this question :—

" The instructions of the 12th December last, transmitted to the Commissioners, differing essentially from the terms of the Commission by which they have been appointed, as to the persons who have a right to indemnity.

"What are the powers conferred on the Commissioners to establish the classifications required by the instructions?

"What are the powers conferred on the Commissioners to call before them the necessary witnesses, and to procure the necessary evidence, in order to obtain an exact valuation of the losses?"

What is the answer?

SECRETARY'S OFFICE,

29th February, 1846.

"GENTLEMEN,--The Administrator of the Government having had under consideration in Council the Queries addressed in your behalf by your Secretary, in his letter of the 11th inst., I have received His Excellency's commands to communicate to you the following replies, for your instruction and guidance:

"1st. In making out the classification called for by Your instructions of the 12th December last, it is not His Excellency's intention that you should be guided by any other description of evidence than that furnished by the sentences of the Courts at Law.

"2nd. His Excellency considers that you have no powers as Commissioners to call either for persons or papers, and that you must therefore be satisfied with such general evidence as the claimants may produce, or as may enable you to form a general estimate of the losses they have suffered."

Surely no ingenuity can confound that which is so plain; surely it does not admit of a question that all those against whom no sentence had been recorded, were to be treated as loyal. Now, Sir, my honorable friend does not propose to go beyond these instructions; my honorable friend does not propose to compensate those whom these instructions exclude. But, difficult as I have found it to comprehend the reasons by which honorable gentlemen opposite would distinguish the proposition of my honorable friend from that which they themselves brought forward in 1845; I confess that I have found it still more perplexing to account for the *manner* in which the opposition has been conducted. Look, Sir, at the tone of the correspondence of 1845, a period when the irritation caused by the unhappy events of 1837 had not yet passed away, and men's minds had hardly become capable of that calm consideration so much to be desired; contrast, I say, the tone and temper of that correspondence with the harsh asperity of the present amendment, proposed after so considerable a time, and after Her Majesty has been graciously pleased to assent to the general unqualified amnesty unanimously passed during this present Session of Parliament. What possible explanation can honorable gentlemen give of the assiduity with which they applied themselves in 1845 to heal the fearful wounds that had existed in our body politic, while to-day they had torn open those wounds afresh regardless though dissolution should be the consequence? In a word, will this country tolerate the proposition, that honorable gentlemen opposite are to be permitted to use the public purse as they please, for the purpose of purchasing unconstitutional support, whilst my honorable friends are to be denounced as traitors, for carrying out the very proposition of those honorable gentlemen, wanting only the corrupt object by which it was suggested?

I ask the country, whether at this time, whether upon this occasion, honorable gentlemen opposite, should have allowed themselves to spurn the right hand of fellowship, held out by my honorable friend from North York, and accepted by my honorable friend from Lower Canada with real cordial frankness. Was this the time to sow afresh the seeds of discord?—to arouse the worst passions of men's minds?—to call into existence all the elements of discord, antipathies of race, antipathies of religion, all that could tend to render the peaceful government of the Province impossible. But I must not allow myself to ask this House to adopt the propositions of my honorable friend, by any reference to what has been done during a period of our history, of which I feel ashamed. I propose to prove to this House, that there are claims for losses incurred by the people of

Canada which every man must deplore, which every man must feel ought not to be allowed to press down and ruin those upon whom they happen to alight. I shall not speak of what I have heard and seen; I shall read to the House without one word of comment, the accounts given by those high in authority here, which cannot be supposed to exaggerate the suffering which they witnessed and deplored :—

In the Despatch of Lieutenant General Sir John Colborne to Lord Glenelg, bearing date 30th March, 1838, we find :—

"On the evening in which the troops took posssession of St. Eustache, the loyal inhabitants of that village and neighbourhood, anxious to return to their homes, and to protect the remainder of their property, followed the troops ; and I believe it is not denied that the houses which were burnt, except those that were necessarily destroyed in driving the rebels from the fortified church, were set on fire by the loyalists of St. Eustache and Riviere du Chêne, who had been driven from the country in October and November."

And again in a Despatch from Lord Glenelg to the Earl of Durham, dated June 2nd, 1838, we have as follows :—

'Having laid that Despatch before the Queen, Her Majesty has commanded me to desire Your Lordship to signify to Sir J. Colborne, that while she deeply laments that any needless severities should have been practised by one class of Her Majesty's subjects against another, Her Majesty is gratified to learn, as she fully anticipated, that her troops are in no degree responsible for any of the excesses which unhappily attended the defeat of the insurgents at St. Benoit and St. Charles, but that in the harrassing service in which they were engaged, they maintained unimpaired their high character for discipline and moderation."

And again in a Despatch from Sir J. Colborne to Lord Glenelg, there is the following enclosure :—

"BEAUHARNOIS, 13th November, 1838.

"SIR,—Col. Carmichael having marched yesterday to St. Martins with the 1st and 2nd Regiments, Glengarry Higlanders, it becomes my duty to send you the enclosed return of the men wounded in our attack on this place, on the night of Saturday last, the 10th instant, I regret exceedingly to have occasion to inform you, that I have found it impossible to prevent the destruction of the greater part of this village by fire.

"The whole of the troops were under arms for this purpose until past three o'clock on Sunday morning, although they had been so much fatigued and harrassed by the exertions of the preceding day ; but they had no means of extinguishing the flames, which I am sorry to say, have extended to the houses of many loyalists.

"I have, &c.,

"GEORGE PHILLPOTTS, MAJOR, R. E.,
"Lieut. Col. Commanding at Beauharnois."

To Lieut. Col. Eden, D. A. General,
Head Quarters.

A second enclosure in the same Despatch as follows :—

"ST. EDWARD'S, (or ST. GEORGE), 11th November, 1838.

"SIR,—I have the honor to report my arrival in this place. By all accounts, the rebels have completely dispersed. Soon after leaving Douglas' Corner, we came to the houses of two notorious rebels, of the name of Boyer, who were engaged in the revolt of last winter. I caused their houses to be burned ; and at La Grand Frenier I also had the house of a notorious rebel, of the name of Bell, a blacksmith, who manufactured pikes for the insurgents, destroyed by fire on our march ; and at this place I have made prisoners of several leaders of minor note, whose houses I shall also cause to be destroyed on my moving off.

I have, &c., &c.,

J. M'DONALD,
MAJOR GENERAL.

To His Excellency, Lieut. General Sir J. Colborne, G. C. B., &c., &c.

And again, in a despatch from Sir J. Colborne to Lord Glenelg, under date 19th December, 1838, we find as follows:—

"It is with great concern that I inform Your Lordship that many houses were burnt in L'Acadie and in Beauharnois, while the rebels were in arms; but these acts were in no instance sanctioned, except where arms and ammunition were discovered, or committed by the regular

force employed, but by persons who had suffered by the insurgents, and were acquainted with the character of their neighbours. Under such circumstances as have occurred, it is scarcely possible to prevent irregularities, but I have satisfaction in reporting, that in every instance in which any have taken place, the officers have used their utmost exertions to bring the offenders to punishment."

And lastly, Lord Durham in his Report, page 59, states:—

"It cannot, however, be doubted, that the events of the past year have greatly increased the difficulty of settling the disorders of Upper Canada. A degree of discontent, approaching, if not amounting to disaffection, has gained considerable ground. The causes of dissatisfaction continue to act on the minds of the reformers; and their hope of redress, under the present order of things, has been seriously diminished. The exasperation caused by the conflict itself, the suspicions and terrors of that trying period, and "*the use made by the triumphant party of the power thrown into their hands*, have heightened the passions which existed before. *It certainly appears too much as if the rebellion had been purposely invited by the Government, and the unfortunate men who took part in it, deliberately drawn into a trap by those who subsequently inflicted so severe a punishment on them for the error.* It seemed too, as if *the dominant party made use of the occasion afforded it by* the real guilt of a few desperate and *imprudent men, in order to persecute or disable the whole body of their political opponents. A great number of perfectly innocent individuals were thrown into prison, and suffered in person, property and character. The whole body of reformers were subjected to suspicion, and to harrassing proceedings, instituted by magistrates, whose political leanings were notoriously adverse to them. Severe laws were passed, under color of which, individuals were generally esteemed, were punished without any form of trial.*"

I know, Sir, that no observations of mine could add to the weight of testimony which I have adduced, proceeding as it does from the most unquestionable sources; and I have already trespassed so long upon the patience of the House, that I shall not suffer myself to add a single observation. But the House will permit me to say, that I, as an individual, have no disposition to shrink from the responsibility of supporting the measure of my honorable friend. I cannot regard this as a Revolutionary measure. I have no apprehension of being termed an abetter of Revolutionary violence. When the other evening the honorable Member for Saint Maurice proposed an amendment to the address in answer to the speech from the throne, because that address contained no expression of sympathy with the fearful scenes now passing in Europe, that call of the honorable Member for Saint Maurice was not responded to from this side of the House. The sympathy with revolutionary violence proceeded from a very different quarter. Those of us who witnessed that strange scene shall not shortly forget the hot haste with which the honorable Member for Gaspé pressed forward not only to support but second the honorable Member for Saint Maurice. The eulogy of the honorable Member for Gaspé was in such happy unison with his whole former life that it was exceedingly pleasing. I have too much respect for the honorable Member for Saint Maurice, to think that he sets much value upon a eulogium coming from that quarter. I shall not attempt to trace it to its origin, but from whatever source it may spring, no doubt can exist that the expression of sympathy with revolutionary violence, proceeded from that side of the House. We on this side could not support the amendment, because, so far from sympathising with those fearful scenes, we shuddered to behold the ancient capital of Austria bathed in the blood of its citizens—we wept to behold that fairest city of southern Italy laid in ashes in the frightful revolutionary conflict for popular freedom—we stood appalled at the sight of a minister of our Holy Religion, clad in the vestments of his office, with the olive branch in his hand,—we stood appalled to behold that holy and venerable prelate, while devoting himself with true christian heroism for the safety of his country, smitten down by the ruthless hand of red republicanism. And when we view the great Head of the whole Catholic world, whilst laboring to promote his people's happiness amidst unnumbered

perils, when we see this pious Sovereign hurled from his Pontifical throne in the same fierce conflict, we implore Him who alone can control such fierce elements, that He would turn them to His people's good. Deeply do we sympathise with the wrongs of suffering humanity in every clime ; but while we sympathise with the wrongs, we believe that it is also permitted us to deplore those awful struggles by which nations have been driven to break their chains. And surely, Sir, it was not unworthy the exalted station of the Representative of our gracious Sovereign to direct our grateful and affectionate attention to our own happy condition—to invite our contemplation of our own glorious constitution,—the constitution of England, which has, as it were, outlawed Revolutionary violence,—a constitution which contains within itself the constitutional means for remedying every constitutional, every individual wrong. Believe me, Sir, these Provinces are not distant lands bound together by the hard iron hand of power ; they are Sister Provinces united by the strongest ties of kindred, of interest, of affection. True, when these Provinces were united, the debt of Upper Canada, the large debt, was imposed upon our fellow subjects of Lower Canada, and that was an injustice which I confess I am not prepared to sanction. But, I know that Lower Canada is ready to forget that wrong, and forever.—I know that she will perceive in every improvement of the remotest village of Upper Canada a new fountain of wealth, eventually to flow through her own country,—I am confident she will admit that every advance made by our noble improvements to secure that great foreign trade which nature has assigned to us, and which our own fatal neglect can alone forfeit, is a step taken towards the establishment of her commercial prosperity. I know, that Upper Canada will acknowledge in every improvement of the extremest navigation of our noble River, a new value given to all that her enterprise can produce. When I look to the fertility of our soil, the salubrity of our climate, the extent and perfection of our internal navigation, I cannot repress the glow of admiration at the view of so much prosperity awaiting, inviting the hand of industry for its development. I conjure all, with one mighty effort, to exorcise this foul demon of discord that has been invoked ; in the name of our children, whose dearest interests are so deeply involved,—in the name of civilization, whose progress we so earnestly desire.—In the name of our common Father "who maketh his sun to shine on the evil and on the good, and sendeth his rain on the just and on the unjust."